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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,729	07/26/2001	Kenji Tsumura	F-7080	7886
28107	7590	05/03/2006	EXAMINER	
JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168			LIVERSEDGE, JENNIFER L	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/915,729	Applicant(s) TSUMURA, KENJI	
	Examiner Jennifer Liversedge	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent No. 5,671,362 to Cowe et al. (further referred to as Cowe).

Regarding claim 1, Cowe discloses in the field of call sales, a stock management device for managing a total amount of stock of a product that is consigned to a customer (column 1, lines 5-18) comprising:

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Means for inputting an amount of a product to be consigned to the customer (column 2, lines 40-44; column 3, lines 10-37), an amount of a product consumed by the customer (column 2, lines 44-47; column 3, lines 10-37), and a call cycle for each customer (column 2, lines 11-14);

First storage means for storing the input amount of a product consigned to the customer (column 2, lines 40-44; column 3, lines 10-37);

Second storage means for storing the input amount of a product consumed by the customer (column 2, lines 44-47; column 3, lines 10-37);

Third storage means for storing the input call cycle (column 2, lines 11-14 "regular intervals");

Means for acquiring both the amount of a product consigned to the customer from the first storage means and the amount of a product consumed by the customer from the second storage means and calculating a rate of consumption of the product by all customer (column 3, lines 10-37; column 17, lines 36-49);

Fourth storage means for storing the calculated rate of consumption (column 3, lines 10-37);

Means for acquiring both the amount of a product consumed by the customer from the second storage means and the call cycle from the third storage means and calculating a total amount of consumption over a predetermined time (column 3, lines 10-37);

Fifth storage means for storing the calculated total amount of consumption (column 3, lines 10-37);

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Lower limit setting means for acquiring both the rate of consumption from the fourth storage means and the total amount of consumption from the fifth storage means, calculating an amount necessary to be consigned to the customer for a subsequent period, and setting the calculated amount necessary to be consigned as a minimum stock amount (column 3, lines 10-37; column 6, lines 8-26); and

Means for outputting the set minimum stock amount (column 3, lines 10-37; column 6, lines 8-26).

Regarding claim 2, Cowe discloses the stock management device used in call sales further comprising:

means for inputting an expiry date of the product (column 6, lines 16-20; column 14, lines 39-43);

Sixth storage means for storing the input expiry date (column 6, lines 16-20; column 14, lines 39-43);

Upper limit setting means for setting a maximum stock amount based on the rate of consumption acquired from the fourth storage means, the expiry date acquired from the sixth storage means, and the set minimum stock amount (column 3, lines 10-37; column 6, lines 8-26; column 14, lines 39-43); and

Means for outputting the maximum stock amount (column 6, lines 8-26).

Regarding claim 3, Cowe discloses the stock management device used in call sales further comprising seventh storage means for storing the consumed amount per

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month, wherein the lower limit setting means acquires the amount of a product consumed for the same month of the previous year from the seventh storage means and adds the amount consumed to parameters for calculating the amount of the product necessary to be consigned to the consumer (column 3, lines 9-23; column 19, lines 35-48).

Regarding claim 4, Cowe discloses a stock management method used in the field of call sales wherein:

An amount of a product to be consigned to the customer (column 2, lines 40-44; column 3, lines 10-37), an amount of a product consumed by the customer (column 2, lines 44-47; column 3, lines 10-37), and a call cycle for each customer are input and stored (column 2, lines 11-14);

The stored amount of a product to be consigned to the customer and the amount of a product consumed by the customer are both acquired and a rate of consumption of the product by all customers is calculated and stored (column 3, lines 10-37; column 17, lines 36-49);

The stored amount of a product consumed by the customer and the call cycle are both acquired and a total amount of consumption over a predetermined period is calculated and stored (column 3, lines 10-37);

The stored rate of consumption and the total amount of consumption are both acquired and an amount necessary to be consigned to the customer for a subsequent

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period is calculated and set as a minimum stock amount (column 3, lines 10-37; column 6, lines 8-26); and

A total amount of stock of a product is managed based on the set of minimum stock amount (column 1, lines 5-18; column 3, lines 10-37; column 6, lines 8-26).

Regarding claim 5, Cower discloses the stock management used in the field of call sales wherein an expiry date of the product is input and stored (column 6, lines 16-20; column 14, lines 39-43); the stored rate of consumption and the expiry date are both acquired (column 3, lines 10-37); a maximum stock amount is set based on the acquired rate of consumption and expiry date and on the set minimum stock amount (column 3, lines 10-37; column 6, lines 8-26; column 14, lines 39-43); and the total stock amount of the product is managed based on the set maximum stock amount (column 1, lines 5-18; column 3, lines 10-37; column 6, lines 8-26).

Conclusion

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached at 571-272-6799. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

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HYUNG SQUH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3628